REMARKS

Claims 7-10 are pending in this application. Upon entry of this amendment, claims 7-14 will be pending, claims 7 and 8 having been amended and claims 11-14 added. The claim 7 amendments and new claims 12-14 find support in the specification, ¶ [0071], for example. New claim 11 finds support in claim 7. Claim 8 has been amended to correct a minor typographical error. There are no issues of new matter.

Claims 7-10 stand rejected under 35 USC 112, 1st paragraph, as failing to comply with the enablement requirement. Applicant traverses the rejection.

The specification, ¶ [0033], describes the process of claim 7, as applied to hair removal, as follows:

> In ***a process according to one embodiment of the present invention, an agent may be selected*** which is capable of penetrating the hair ducts and attaching, bonding or otherwise becoming incorporated into the hair shaft, hair follicle, hair bulb or hair duct cells. ***The agent may be characterized as an active agent*** in that it performs a function in addition to simply occupying or contaminating the space in the ducts surrounding the hair shaft. ***The agent may have sufficient optical absorption of a wavelength (or a combination of wavelengths) of a coherent or non-coherent light source which can penetrate the skin adequately to be absorbed by the target agent or the new agent-tissue complex.*** (Emphasis added.)

The specification, ¶¶ [0055]-[0056], describes a similar process for hair removal being used to treat skin disorders, such as psoriasis, where the agent is applied to the skin rather than to the hair, as follows:

> In one embodiment ***a process in accordance with the present invention may be used to provide short or long-term control, improvement, reduction or elimination of acne or other skin diseases. An active agent may be physically or chemically or immunologically incorporated into cells of the sebaceous (oil) glands or into the naturally occurring acne bacteria, yeast or similar organisms which feed on the oil in the oil glands (or sweat glands)or are otherwise relatively benign inhabitants***. Improvement in skin disorders may be a direct or indirect result of the application of the agents in this process, as may [provide] reduced oiliness of the skin, reduced size or diminished appearance of pores, etc.
>
> ***Other similar disorders such as folliculitis which involve the pilo-sebaceous (hair/oil gland) unit may also be treated using the present invention.***

> The present invention may also be used to reduce perspiration, sweating, or hyperhidrosis from eccrine (sweat) glands or apocrine glands. ***A preferred embodiment of the present invention may be used to treat other skin disorders*** such as, for example, viral warts, ***psoriasis***, precancerous solar keratosis or skin lesions, hyperhidrosis/excessive sweating, and perhaps skin ulcers (diabetic, pressure, venous stasis).
>
> (Emphasis added.)

Therefore, the specification clearly describes a process for treating psoriasis as being the process described in ¶ [0033] with the modification described in ¶ [0055]-[0056] to apply the agent to the skin, rather than the hair. As such, the specification reasonably conveys to the skilled person how to perform the psoriasis treatment by following the descriptions of ¶¶ [0033], [0055], and [0056]. The enablement requirement is therefore satisfied. Withdrawal of the rejection is requested.

Claims 7-9 stand rejected under 35 USC 103(a) as being unpatentable over Anderson (US 6,436,127) in view of Doiron (US 5,698,866). Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Anderson in view of Doiron further in view of Tankovich (US 5,817,089). Applicant traverses the rejections.

Claim 7 as amended recites a process for the treatment of psoriasis affecting mammalian skin that includes selecting at least one of a photoactive and a photosensitizing agent. The agent has an electromagnetic radiation absorption characteristic enabling the agent to absorb at least a first wavelength of electromagnetic radiation from an electromagnetic radiation source. The process further includes applying the agent to at least a portion of the mammalian skin affected by psoriasis. The process also includes exposing the agent to electromagnetic radiation of at least the first wavelength from the electromagnetic radiation source and to electromagnetic radiation of at least a second wavelength substantially simultaneously. The agent absorbs the first wavelength of electromagnetic radiation.

Anderson does not disclose or suggest the combination of elements in Applicant's claims, which includes exposing an agent to two different wavelengths of electromagnetic radiation

substantially simultaneously. In contrast, Anderson discloses delivering ultraviolet radiation to an affected body area. See Anderson, column 2, lines 36-51. Anderson also discloses delivering ultraviolet radiation along with a photosensitizer, psoralen, to treat psoriasis. See Anderson, column 1, line 50 - column 2, line 1. However, Anderson does not disclose or suggest delivering the ultraviolet radiation at two different wavelengths substantially simultaneously.

The deficiencies of Anderson are not corrected by Doiron because Doiron also fails to disclose or suggest the combination of elements of Applicant's claims, which includes exposing an agent to two different wavelengths of electromagnetic radiation substantially simultaneously. Rather, Doiron merely discloses an array of light emitting diodes overdriven in order to provide sufficient energy levels. See Doiron, column 16, lines 18-34. However, Doiron does not disclose or suggest its array emitting at two different wavelengths substantially simultaneously. Indeed, Doiron specifically discloses, preferably, uniform illumination from its array. See Doiron, column 12, lines 33-37.

The deficiencies of Anderson and Doiron are not corrected by Tankovich because Tankovich also fails to disclose or suggest the combination of elements of Applicant's claims, which includes exposing an agent to two different wavelengths of electromagnetic radiation substantially simultaneously. Rather, Tankovich discloses applying a layer of carbon solution to the skin, applying ultrasound treatment to force the carbon particles into the skin, and then irradiating the skin with a laser. See Tankovich, column 3, line 45 – column 4, line 21. Tankovich specifically discloses that the ultrasound radiation is applied before, not substantially simultaneously with, the laser radiation. See *id.* Moreover, Tankovich does not disclose or suggest any reason to modify its process to apply the ultrasound radiation and the laser radiation substantially simultaneously.

Therefore, since none of Anderson, Doiron, and Tankovich disclose or suggest Applicant's claimed subject matter, claim 7 and its dependent claims 8-14 are patentable over

Anderson in view of Doiron in further view of Tankovich. Withdrawal of the rejection is requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 595982000211.

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Respectfully submitted,

By Cassandra J Lewis #48,361
for Alex Chartove
Registration No.: 31,942
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7744